

1 P. Jeffrey Black  
2 7582 Las Vegas Blvd S #450  
3 Las Vegas, NV 89123-1009  
4 (800) 980-2185

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5 Plaintiff Pro Se  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

P. JEFFREY BLACK,

Plaintiff,

vs.

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,

Defendant.

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\*  
\* Case No. 2:10-cv-02040-JCM-LRL  
\*  
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\*  
\* PLAINTIFF'S MOTION TO REDACT  
\* PROHIBITED AND PRIVATE  
\* IDENTIFIABLE INFORMATION  
\* FROM THE COURT RECORD  
\*  
\*

COMES NOW the plaintiff, appearing pro se in this matter, respectfully moves this Court, Pursuant to Rule 5.2(a) of the Federal Rules of Civil Procedure, and Rule 9037(b) of this Court's Local Rules, for an order to redact documents in the Court's record, that contain prohibited and private personal identifiable information about the Plaintiff.

In support of this motion, Plaintiff relies upon the Memorandum of Points and Authorities set forth herein.

Dated: September 23, 2011

Respectfully Submitted,

  
P. Jeffrey Black

Plaintiff Pro Se

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   Federal Rules of Civil Procedure, Rule 5.2(a) and Local Rule 9037(b), outline privacy  
3                   protections for document filings made to the Court. Unless otherwise ordered by the Court,  
4                   parties who file electronic or paper documents, are prohibited from filing documents that  
5                   contain specific private identifiable information, to include an individual's complete social  
6                   security number and full date of birth.

7                   On November 22, 2010, the Plaintiff filed the complaint in this case, and attached a  
8                   total of eleven (11) exhibits. Exhibits #1, #5, #6 and #9 contained specific private identifiable  
9                   information consisting of the Plaintiff's Social Security Number, date of birth, and place of  
10                  birth. As such, the Plaintiff properly redacted this information prior to filing the complaint  
11                  with the Clerk of the Court, in accordance with Federal Rules of Civil Procedure, Rule 5.2(a)  
12                  and this Court's Local Rule 9037(b).

13                  On June 21, 2011, the Defendant filed an Administrative Record, Declaration, and  
14                  Vaughn Index, including a 51 page supporting document (15-3). This document openly  
15                  publicizes specific private identifiable information consisting of the Plaintiff's Social Security  
16                  Number, date of birth, and place of birth on pages 2, 17, 27, and 39.

17                  If this Motion is not granted, and the Plaintiff's personal identifiable information, as  
18                  described above, is not redacted from the public filings, serious and irreparable harm could be  
19                  caused to the Plaintiff, to include the Plaintiff's identify being stolen. The Plaintiff, a retired  
20                  federal law enforcement officer who worked extensively undercover in his position, has  
21                  already been the victim of identity theft that occurred in 2005, where his Social Security  
22                  number was unlawfully used to open bank accounts and lines of credit. The theft was  
23                  subsequently reported to the Las Vegas Metropolitan Police Department Financial Crimes  
24                  Division for investigation.

25                  Therefore, the Plaintiff respectfully requests this Court to grant the Motion redacting  
26                  Plaintiff's private identifiable information from the court file, and to enter an order directing  
27                  the Clerk of the Court to substitute the attached four (4) redacted pages that correspond with  
28                  the four pages described above in the Defendant's document (15-3).

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3 DATED this 23rd day of September, 2011.  
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6  
7 Respectfully Submitted,  
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10   
11 P. Jeffrey Black  
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14 *Plaintiff Pro Se*  
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17 **IT IS SO ORDERED**  
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21 UNITED STATES MAGISTRATE JUDGE  
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24 DATED: 10-3-11  
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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**

4  
5                   **P. JEFFREY BLACK**  
6                   7582 Las Vegas Blvd S #450  
7                   Las Vegas, Nevada 89123

8                   Plaintiff,

9                   \*                   Case No. 2:10-CV-02040-JCM-LRL

10                  v.

11                  **UNITED STATES DEPARTMENT**  
12                  **OF HOMELAND SECURITY**

13                  Defendant.

14                   **CERTIFICATE OF SERVICE**

15                  I HEREBY CERTIFY that service to the Defendant, of the preceding Motion To  
16 Redact Prohibited and Private Identifiable Information from the Court Record, was made on  
17 September 23, 2011, by personally hand delivering copies thereof to the Office of the United  
18 States Attorney, Lloyd George Federal Building, 333 South Las Vegas Boulevard, Suite 8016,  
19 Las Vegas, NV 89101.

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21                  DATED this 23rd day of September, 2011.

22                   Respectfully Submitted,

23  
24                     
25                   \_\_\_\_\_  
26

27                   P. Jeffrey Black, *Plaintiff Pro Se*  
28                   7582 Las Vegas Blvd S #450  
29                   Las Vegas, NV 89123-1009  
30                   (800) 980-2185

**CONFIDENTIAL - FOR OFFICIAL USE ONLY****FREEDOM OF INFORMATION ACT & PRIVACY ACT  
REQUEST FOR INFORMATION AND RECORDS**

PHILIP JEFFREY BLACK  
7582 Las Vegas Blvd S #450  
Las Vegas, Nevada 89123  
Phone: (800) 980-2185  
DOB: [REDACTED]  
POB: San Diego, CA  
S.S. No. [REDACTED]

The Freedom of Information Act  
Public Law 104-231  
5 U.S.C. § 552 et seq.

The Privacy Act of 1974  
Public Law 93-579  
5 U.S.C. § 552a et seq.

Requester,

UNITED STATES IMMIGRATION &  
CUSTOMS ENFORCEMENT  
Citrina M. Pavlik, ICE - FOIA Officer  
FOIA/PA Section  
Information Disclosure Unit  
800 North Capitol St. N.W.  
5th Floor, Suite 585  
Washington, DC 20536

FOIA Request No. 015

Delivered via US Certified Mail  
No. 7007 1490 0002 8677 0336

Respondent.

REQUEST IS HEREBY MADE, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 552, [hereafter referred to as "FOIA"], and also the Privacy Act of 1974, Title 5 of the United States Code, Section 552(a) [hereafter referred to as the "Privacy Act"], and is made by Philip J. Black, [hereafter referred to as the "Requester"], being a citizen of the United States and of the State of Nevada, and such request is hereby served upon the US Immigration & Customs Enforcement, Office of Professional Responsibility [hereafter referred to as the "Respondent"].

The FOIA establishes a presumption that records in the possession of agencies and departments of the Executive Branch of the United States government, are openly accessible to the people, and as such, the FOIA requires Federal agencies to provide the fullest possible disclosure of information to the public. Whereas, the Privacy Act specifically allows individuals to seek access to an agency's "system of records" pertaining to themselves, and to review the record and have copies made thereof.

**CONFIDENTIAL - FOR OFFICIAL USE ONLY**

1                   **FREEDOM OF INFORMATION ACT & PRIVACY ACT**  
 2                   **REQUEST FOR INFORMATION AND RECORDS**

3                   \*                   \*                   \*  
 4                   **PHILIP JEFFREY BLACK**                   \*                   The Freedom of Information Act  
 5                   7582 Las Vegas Blvd S #450                   \*                   Public Law 104-231  
 6                   Las Vegas, Nevada 89123-1009                   \*                   5 U.S.C. § 522 et seq.

Phone: (800) 980-2185  
 DOB: [REDACTED]  
 POB: San Diego, CA  
 S.S. No. [REDACTED]

Appellant,

\*                   \*                   \*  
 The Freedom of Information Act  
 Public Law 104-231  
 5 U.S.C. § 522 et seq.

\*                   \*                   \*  
 The Privacy Act of 1974  
 Public Law 93-579  
 5 U.S.C. § 522a et seq.

10                  \*                   \*  
 11                  **UNITED STATES IMMIGRATION AND**  
 12                  **CUSTOMS ENFORCEMENT**                   \*                   Homeland Security Act  
 13                  Catrina M. Pavlik, ICE-FOIA Officer                   \*                   Public Law 107-296  
 14                  FOIA/PA Section                   \*                   6 C.F.R. Part 5 et seq.  
 15                  Information Disclosure Unit                   \*  
 16                  800 North Capital St. N.W.                   \*  
 17                  5<sup>th</sup> Floor, Suite 585                   \*                   Case No. 08-FOIA-140  
 18                  Washington, D.C. 20536                   \*  
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Respondent

**NOTICE OF APPEAL**

**JURISDICTION**

ADMINISTRATIVE APPEAL IS HEREBY MADE, by Philip Jeffrey Black, [hereafter referred to as the "Appellant"], being a citizen of the United States and of the State of Nevada, and who is a federal employee of the Transportation Security Administration, United States Department of Homeland Security, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as the "FOIA"], and the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as "The Privacy Act"], and Title 6 of the United States Code of Federal Regulations, Chapter I, Part 5, Section 5.9 and Section 5.25, [hereafter referred to as the "DHS Rules and Regulations"], and such administrative appeal is hereby served upon the General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528. [6 C.F.R. §§ 5.9(a) and 5.25(a); DHS MD No. 0460.1(4)(G)].

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**FREEDOM OF INFORMATION ACT & PRIVACY ACT  
REQUEST FOR INFORMATION AND RECORDS**

4           **PHILIP JEFFREY BLACK**  
 5           7582 Las Vegas Blvd S #450  
 6           Las Vegas, Nevada 89123  
 7           Phone: (800) 980-2185  
 8           DOB: [REDACTED]  
 9           POB: San Diego, CA  
 10          S.S. No. [REDACTED]

\*           The Freedom of Information Act  
 \*           Public Law 104-231  
 \*           5 U.S.C. § 552 et seq.

\*           The Privacy Act of 1974  
 \*           Public Law 93-579  
 \*           5 U.S.C. § 552a et seq.

11          Requester,

12          **UNITED STATES IMMIGRATION &**  
 13          **CUSTOMS ENFORCEMENT**  
 14          Catrina M. Pavlik, ICE - FOIA Officer  
 15          FOIA/PA Section  
 16          Information Disclosure Unit  
 17          800 North Capitol St. N.W.  
 18          5th Floor, Suite 585  
 19          Washington, DC 20536

\*           **FOIA Request No. 025**

\*           Delivered via US Certified Mail  
 \*           No. 7008 1140 0003 7469 1687

20          Respondent.

21          REQUEST IS HEREBY MADE, pursuant to the Freedom of Information Act, Title 5 of the  
 22          United States Code, Section 522, [hereafter referred to as "FOIA"], and also the Privacy Act of 1974,  
 23          Title 5 of the United States Code, Section 522(a) [hereafter referred to as the "Privacy Act"], and is  
 24          made by Philip J. Black, [hereafter referred to as the "Requester"], being a citizen of the United States  
 25          and of the State of Nevada, and such request is hereby served upon the US Immigration & Customs  
 26          Enforcement, Office of Professional Responsibility [hereafter referred to as the "Respondent"].

27          The FOIA establishes a presumption that records in the possession of agencies and departments  
 28          of the Executive Branch of the United States government, are openly accessible to the people, and as  
 29          such, the FOIA requires Federal agencies to provide the fullest possible disclosure of information to  
 30          the public. Whereas, the Privacy Act specifically allows individuals to seek access to an agency's  
 31          "system of records" pertaining to themselves, and to review the record and have copies made thereof.

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REQUEST FOR INFORMATION AND RECORDS

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The Freedom of Information Act  
Public Law 104-231  
5 U.S.C. § 552 et seq.

Appellant,

The Privacy Act of 1974  
Public Law 93-579  
5 U.S.C. § 552a et seq.

UNITED STATES IMMIGRATION &  
CUSTOMS ENFORCEMENT  
Catrina M. Pavlik, ICE-FOIA Officer  
FOIA/PA Section  
Information Disclosure Unit  
800 North Capitol St. N.W.  
5<sup>th</sup> Floor, Suite 585  
Washington, DC 20536

Homeland Security Act  
Public Law 107-296  
6 C.F.R. Part 5 et seq.

Case No. 2010 FOIA 1696

Respondent.

NOTICE OF APPEAL

JURISDICTION

ADMINISTRATIVE APPEAL IS HEREBY MADE, by Philip Jeffrey Black, [hereafter referred to as the "Appellant"], being a citizen of the United States and of the State of Nevada, and who is a retired federal employee of the Transportation Security Administration, United States Department of Homeland Security, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as the "FOIA"], and the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as "The Privacy Act"], and Title 6 of the United States Code of Federal Regulations, Chapter I, Part 5, Section 5.9 and Section 5.25, [hereafter referred to as the "DHS Rules and Regulations"], and such administrative appeal is hereby served upon the General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528. [6 C.F.R. §§ 5.9(a) and 5.25(a); DHS Management Directive No. 0460.1(4)(G)].